

Message Text

CONFIDENTIAL

PAGE 01 STATE 080394

70

ORIGIN EUR-25

INFO OCT-01 IO-12 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

SCI-06 SCEM-02 NEA-10 GAC-01 TRSE-00 MBFR-03 SAJ-01

AEC-11 EB-11 ACDA-19 NSF-04 /172 R

DRAFTED BY L/ EUR: DHSMALL; EUR/ CE: NLEDSKY: LLA

4/27/73 - EXT. 29499, 23456

APPROVED BY EUR - MR. STABLER

EUR/ CE - MR. SUTTERLIN

ACDA/ GC - MR. VAN DOREN

----- 054940

P R 272344 Z APR 73

FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

USMISSION BERLIN

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

USMISSION USUN NEW YORK

USMISSION EC BRUSSELS

USMISSION IAEA VIENNA

C O N F I D E N T I A L STATE 080394

E. O. 11652: GDS

TAGS: PGOV, PFOR, TECH, WB, GW

SUBJECT: INCLUSION OF BERLIN IN NPT AND SAFEGUARDS AGREE-
MENT

REFS: (A) BONN 5221; (B) BERLIN 0662; (C) BERLIN 0680

1. DEPT. IS SYMPATHETIC TO FRG DESIRE TO HAVE NPT AND
VERIFICATION AGREEMENT EXTENDED TO BERLIN. MOREOVER,
SINCE SOVIETS SHOULD SHARE OUR INTEREST IN SEEING INTER-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 080394

NATIONAL SAFEGUARDS APPLIED TO NUCLEAR MATERIAL IN WEST

BERLIN, WE DOUBT THEY WOULD MAKE A SERIOUS ISSUE OF THE EXTENSIONS, ALTHOUGH THEY COULD WELL TAKE LEGAL EXCEPTION TO THE EXTENSION OF THE NPT.

2. SAFEGUARDS AGREEMENT IS HIGHLY DESIRABLE FOR BERLIN, PERHAPS EVEN NECESSARY FROM OUR POINT OF VIEW, IN LIGHT OF NEED TO SECURE IAEA VERIFICATION FOR NUCLEAR MATERIALS TRANSFERRED BY THE US FOR USE IN BERLIN. IN THIS CONNECTION, US NUCLEAR MATERIALS TRANSFERRED TO BERLIN HAVE BEEN COVERED BY SAFEGUARDS AGREEMENT FOR BERLIN BETWEEN US AND FRG, WHICH IS NO LONGER IN FORCE. SAFEGUARDS FOR SUCH MATERIAL WERE FOLDED INTO US- EURATOM ARRANGEMENTS, AND EURATOM SAFEGUARDS FOR NON- NUCLEAR EC COUNTRIES ARE BEING INTEGRATED WITH IAEA PROCEDURES. INCLUSION OF BERLIN IN THE SAFEGUARDS AGREEMENT WILL BE LEGALLY REQUIRED FOR ALL NEW US TRANSFERS FOR USE IN BERLIN.

3. NPT EXTENSION, AS USBER NOTES, IS MORE DIFFICULT CASE UNDER QA THAN SAFEGUARDS AGREEMENT. HOWEVER, SINCE NPT SETS FORTH THE OBLIGATIONS WHICH SAFEGUARDS AGREEMENT IS TO POLICE, IT WOULD BE ANOMALOUS TO ACCEPT LATTER WITHOUT FORMER, ALTHOUGH SAFEGUARDS MIGHT BE ABLE TO FUNCTION WITHOUT BERLIN BEING INCLUDED AS MATTER OF TREATY LAW IN NPT AREA ITSELF. IN VIEW OF FACT THAT DEMILITARIZATION LEGISLATION IN BERLIN IS MORE SWEEPING, IN RESPECT TO GERMAN ACTIVITIES, THAN ANY DISARMAMENT AGREEMENTS, WE BELIEVE CASE CAN BE MADE THAT INCLUSION OF BERLIN IN NPT ITSELF IS WITHOUT ANY PRACTICAL SIGNIFICANCE AS FAR AS BERLIN SECURITY MATTERS ARE CONCERNED AND, THEREFORE, INCLUSION OF BERLIN BY FRG WOULD NOT FALL WITHIN THE QA PROHIBITION OF AGREEMENTS WHICH AFFECT MATTERS OF SECURITY. FURTHER ARTICLES III, IV, AND VI RELATE TO SAFEGUARDS AND PEACEFUL USES OF ATOMIC ENERGY AND ARE NOT DISARMAMENT (I. E., SECURITY) MEASURES.

4. IN ORDER TO BE ABLE TO MEET ANY SOVIET RESERVATION ON BERLIN' S INCLUSION BY THE FRG IN THE NPT, WE BELIEVE THAT ALLIED AGREEMENT TO THE EXTENSION SHOULD BE ACCOMPANIED
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 080394

BY THE ISSUANCE OF A BK/ L TO MAKE CLEAR THAT: (A) NPT EXTENSION DOES NOT IN ANY WAY AFFECT ALLIED RIGHTS, RESPONSIBILITIES AND LEGISLATION; (B) SINCE THE NPT COMMITMENTS RESPECTING GERMAN NUCLEAR ARMAMENT AND ARMAMENT DEVELOPMENT IN BERLIN ITSELF (ARTICLES II AND VI) ARE LESS EXTENSIVE THAN EXISTING QUADRIPARTITE LEGISLATION, THE NPT DOES NOT " AFFECT" A MATTER OF BERLIN SECURITY IN ANY REAL WAY; (C) ALLIES RESERVE RIGHT TO DETERMINE WHICH AUTHORITIES MAY SPEAK OR ACT FOR BERLIN

IN ANY MATTER UNDER NPT.

5. EMBASSY SHOULD PRESENT THIS APPROACH IN BONN GROUP
AND SEE IF AGREEMENT IS POSSIBLE. ROGERS

CONFIDENTIAL

NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 27 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE080394
Document Source: CORE
Document Unique ID: 00
Drafter: DHSMALL: EUR/ CE: NLEDSKY: LLA
Enclosure: n/a
Executive Order: GDS
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730453/aaaaixyr.tel
Line Count: 121
Locator: TEXT ON-LINE
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 BONN 5221, 73 BERLIN 0662, 73 BERLIN 0680
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 08 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08-Aug-2001 by worrelsw>; APPROVED <10-Sep-2001 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 980203
Subject: INCLUSION OF BERLIN IN NPT AND SAFEGUARDS AGREE- MENT
TAGS: PFOR, PGOV, TECH, GW, WB
To: BERLIN
BONN
EC BRUSSELS
IAEA VIENNA
LONDON
MOSCOW
NATO

PARIS
USUN NEW YORK

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005